

MARITIME MATTERS

International Maritime Organization Facilitation Committee

**Amendments to Convention Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS
Amending Convention of March 6, 1948,
As Amended**

Adopted at London on November 7, 1991



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MULTILATERAL

Maritime Matters: International Maritime Organization Facilitation Committee

*Amendments to Convention of March 6, 1948, as amended;
Adopted at London on November 7, 1991;
Transmitted by the President of the United States of America
to the Senate October 1, 1996 (Treaty Doc. 104-36,
104th Congress, 2d Session);
Reported favorably by the Senate Committee on Foreign Relations
May 19, 1998 (Senate Executive Report No. 105-18,
105th Congress, 2d Session);
Advice and consent to ratification by the Senate
June 26, 1998;
Acceptance approved by the President August 31, 1998;
Instrument of Acceptance of the United States of America
deposited October 14, 1998;
Entered into force December 7, 2008.*



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C.N.142.1992.TREATIES-2 (Depositary Notification)

REFERENCE

CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION
DONE AT GENEVA ON 6 MARCH 1948

AMENDMENTS TO THE CONVENTION RELATING TO THE
INSTITUTIONALIZATION OF THE FACILITATION
COMMITTEE IN THE CONVENTION
ADOPTED BY THE ASSEMBLY OF THE ORGANIZATION BY
RESOLUTION A.724 (17) OF 7 NOVEMBER 1991

TRANSMISSION OF THE TEXT OF THE AMENDMENTS
UNDER ARTICLE 67 OF THE CONVENTION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At its seventeenth regular session, held in London from 28 October to 7 November 1991, the Assembly of the International Maritime Organization adopted amendments to the above-mentioned Convention in accordance with the procedure stipulated in article 66. These amendments are contained in Resolution A.724 (17) of 7 November 1991.

The English, French and Spanish versions of the above-mentioned resolution, including the text of the amendments, are annexed to this notification.

Reference is made in this connexion to the provisions of article 68 of the Convention to the effect that "... acceptance ... shall be made by the communication of an instrument to the Secretary-General for deposit with the Secretary-General of the United Nations. The Secretary-General will notify Members of the receipt of any such instrument and of the date when the amendment enters into force."

19 June 1992

A handwritten signature, possibly of the Secretary-General, consisting of a stylized 'J' followed by a vertical line and a small '1'.

Attention: Treaty Services of Ministries of Foreign Affairs and of
international organizations concerned

ANNEX

AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION
(INSTITUTIONALIZATION OF THE FACILITATION COMMITTEE)

Article 11

The text is replaced by the following:

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, a Legal Committee, a Marine Environment Protection Committee, a Technical Co-operation Committee, a Facilitation Committee and such subsidiary organs as the Organization may at any time consider necessary; and a Secretariat.

Article 15

The text of paragraph (1) is replaced by:

- (1) To take decisions in regard to convening any international conference or following any other appropriate procedure for the adoption of international conventions or of amendments to any international conventions which have been developed by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee, the Facilitation Committee, or other organs of the Organization.

Article 21

The text is replaced by the following:

- (a) The Council shall consider the draft work programme and budget estimates prepared by the Secretary-General in the light of the proposals of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee, the Facilitation Committee and other organs of the Organization and, taking these into account, shall establish and submit to the Assembly the work programme and budget of the Organization, having regard to the general interest and priorities of the Organization.
- (b) The Council shall receive the reports, proposals and recommendations of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee, the Facilitation Committee and other organs of the Organization and shall transmit them to the Assembly and, when the Assembly is not in session, to the Members for information, together with the comments and recommendations of the Council.

- (c) Matters within the scope of articles 28, 33, 38, 43 and 48 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee or the Facilitation Committee, as may be appropriate.

Article 25

The text of paragraph (b) is replaced by:

- (b) Having regard to the provisions of part XVI and to the relations maintained with other bodies by the respective Committees under Articles 28, 33, 38, 43 and 48, the Council shall between sessions of the Assembly, be responsible for relations with other organizations".

PART XI

A new text is inserted, as follows:

The Facilitation Committee

Article 47

The Facilitation Committee shall consist of all the Members.

Article 48

The Facilitation Committee shall consider any matter within the scope of the Organization concerned with the facilitation of international maritime traffic and in particular shall:

- (a) Perform such functions as are or may be conferred upon the Organization by or under international conventions for the facilitation of international maritime traffic, particularly with respect to the adoption and amendment of measures or other provisions, as provided for in such conventions.
- (b) Having regard to the provisions of Article 25, the Facilitation Committee, upon request by the Assembly or the Council or if it deems such action useful in the interests of its own work, shall maintain such close relationship with other bodies as may further the purposes of the Organization.

Article 49

The Facilitation Committee shall submit to the Council:

- (a) Recommendations and guidelines which the Committee has developed.
- (b) A report on the work of the Committee since the previous session of the Council.

Article 50

The Facilitation Committee shall meet at least once a year. It shall elect its officers once a year and shall adopt its own Rules of Procedure.

Article 51

Notwithstanding anything to the contrary in this Convention, but subject to the provisions of Article 47, the Facilitation Committee, when exercising the functions conferred upon it by or under any international convention or other instrument, shall conform to the relevant provisions of the convention or instrument in question, particularly as regards the rules governing the procedures to be followed.

Article 56 (renumbered as Article 61)

The text is replaced by the following:

Any Member which fails to discharge its financial obligation to the Organization within one year from the date on which it is due shall have no vote in the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee or the Facilitation Committee unless the Assembly, at its discretion, waives this provision.

Article 57 (renumbered as Article 62)

The text is replaced by the following:

Except as otherwise provided in the Convention or in any international agreement which confers functions on the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee, or the Facilitation Committee, the following provisions shall apply to voting in these organs:

- (a) Each Member shall have one vote.
- (b) Decisions shall be by a majority vote of the Members present and voting and, for decisions where a two-thirds majority vote is required, by a two-thirds majority vote of those present.

- (c) For the purpose of the Convention, the phrase "Members present and voting" means Members present and casting an affirmative or negative vote. Members which abstain from voting shall be considered as "not voting".

Consequential amendments

Articles 5, 6 and 7

The references to Article 71 are replaced by references to Article 76.

Article 8

The reference to Article 72 is replaced by a reference to Article 77.

Article 15

The reference in paragraph (g) to Part XII is replaced by a reference to Part XIII.

Article 25

The reference in paragraph (a) to Part XV is replaced by a reference to Part XVI.

Parts XI to XX

Parts XI to XX are renumbered as Parts XII to XXI.

Articles 47 to 77

Articles 47 to 77 are renumbered as Articles 52 to 82.

Article 66 (renumbered as Article 71)

The reference to Article 73 is replaced by a reference to Article 78.

Appendix II

The reference in the heading to Article 65 is replaced by a reference to Article 70.

Article 67 and 68 (renumbered as Articles 72 and 73, respectively)

The references to Article 66 are replaced by references to Article 71.

Article 70 (renumbered as Article 75)

The reference to Article 69 is replaced by a reference to Article 74.

Article 72 (renumbered as Article 77)

The reference in paragraph (d) to Article 71 is replaced by a reference to Article 76.

Article 73 (renumbered as Article 78)

The reference in paragraph (b) to Article 72 is replaced by a reference to Article 77.

Article 74 (renumbered as Article 79)

The reference to Article 71 is replaced by a reference to Article 76.
